

REMARKS

Claims 1, 3-17, and 20-56 are pending in this application. Claims 6-10, 12-17, 20-56 are withdrawn as being directed to a non-elected invention. Claims 1, 3-5, and 11 are rejected under 35 U.S.C. § 103(a) for obviousness over Reiners (DE 10118999; hereinafter 'Reiners') in view of Morino et al. (JP 09-176010; hereinafter "Morino"), Maurer et al. (EP 1208849; hereinafter "Maurer"), a GodsRemedy™ internet webpage (<http://web.archive.org/web/20020616220742/http://godsremedy.com/hepatitis/what.htm>; hereinafter "godsremedy.com"), Kast (CITE), Holistic Online (<http://web.archive.org/web/20001029192423/http://holisticonline.com/Herbal-Med/Herbs/h70.htm>; hereinafter "Holistic Online"), and a Vitamin B5 internet article (http://web.archive.org/web/20030524163420/http://www.health-diets.net/healthsearch/b5_vit.htm; hereinafter "Vitamin B5 Article"). By this reply, Applicants cancel claims 3-9, amend claims 1, 10-13, and 15-17, and address each of the rejections.

Rejoinder

Applicants respectfully request rejoinder of withdrawn claims 10-17 and 20-56 upon the allowance of a generic claim as provided by 37 C.F.R. § 1.141, as each of the withdrawn claims have been amended to include all of the limitations of present independent claim 1.

Support of the Amendment

Support for the amendment to claims 1, 10, and 11 is found in prior claim 1. Claims 12, 13, and 15-17 are amended for reasons related to clarity. No new matter is added by the amendment.

Rejection under 35 U.S.C. § 103(a)

The Office rejects claims 1, 3-5, and 11 under 35 U.S.C. § 103(a) for obviousness over Reiners in combination with Morino, Maurer, godsremedy.com, Kast, Holistic Online, and Vitamin B5 Article. The Office states:

it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the composition taught by Reiners by combining oat straw (*Avena sativa*), L-methionine, vitamin B5, horsetail, oat straw powder, quercetin, borage seed oil and bromelain, which are all ingredients that have the same functional effect of treating arthritis, as clearly taught by Reiners, Morino, Maurer, [godsremedy.com], Kast, Holistic Online and Vitamin B5 (Panthenic acid). Further, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the instantly claimed ingredients of oat straw (*Avena sativa*), L-methionine, vitamin B5, horsetail, oat straw powder, quercetin, borage seed oil and bromelain for their known benefit in treating arthritis and, therefore, improving joints, since each claimed ingredient is well known in the art for the same purpose, as useful for treating arthritis and, therefore, improving joints.

(Office Action, p. 4.)

Applicants respectfully disagree that the combination of Reiners, Morino, Maurer, godsremedy.com, Kast, Holistic Online, and Vitamin B5 Article renders claims 1, 3-5, and 11 obvious. Nonetheless, Applicants have amended independent claim 1 to recite that the composition consists essentially of octacosanol (defatted wheat germ oil) in combination with quercetin, vitamin B5, oat straw (*Avena sativa*), oat straw (*Avena sativa*) powder, L-methionine, bromelain, horsetail (*Equisetum* spp.), and borage oil (*Borago officinalis*), and in which the composition optionally includes:

- i) one or more substances selected from elecampane root (*Inula* sp.), L-cysteine, vitamin B1 (thiamin HCl), white oak bark (*Quercus alba*), Aloe vera gel, black cohosh (*Cimicifuga racemosa*), androstenedione, shitake mushroom (*Lentinus edodes*), and
- ii) one or more agents selected from the group consisting of an analgesic, an antibiotic, an antiviral, an anti-inflammatory, an anesthetic, an enzyme, and an immunosuppressive agent.

None of the cited publications, either alone or in combination, teaches or suggests a joint enhancing composition that includes octacosanol, quercetin, vitamin B5, oat straw (*Avena sativa*), oat straw (*Avena sativa*) powder, L-methionine, bromelain, horsetail (*Equisetum* spp.), and borage oil (*Borago officinalis*), as is recited in claims 1 and 11, as presently amended. The

rejection of claims 1, 3-5, and 11 should be withdrawn.

CONCLUSION

Applicant submits that present claims 1 and 11 are in condition for allowance, and such action is respectfully requested. Applicants also request rejoinder of claims 10, 12-17, and 20-56.

If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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